

pursuant to a written prescription from another licensed practitioner (unless the substance is legitimately obtainable without a prescription); and

(2) the Respondent shall submit, every calendar quarter, a log of all controlled substance prescriptions he has written during the previous quarter to the Special Agent in Charge of the nearest DEA office, or his designee. These restrictions will run for a period of three years from the effective date of the Respondent's registration.

Therefore, the Deputy Administrator finds that the public interest is best served by granting the Respondent's application with the above conditions. The Respondent submitted extensive evidence demonstrating the need for the DEA Certificate of Registration in his current practice, as well as evidence of the community's need for a physician of his speciality with full prescribing capabilities. Given these needs, the Deputy Administrator has determined that the public interest will be better served in making this final order effective upon publication, rather than thirty days from the date of publication.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by William P. Jerome, M.D., be, and it hereby is, granted, subject to the above conditions. This order is effective upon publication in the Federal Register.

Dated: March 18, 1996.

Stephen H. Greene,
Deputy Administrator.

[FR Doc. 96-6978 Filed 3-21-96; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 94-43]

Ekambaram Parameswaran, M.D.; Denial of Application

On March 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ekambaram Parameswaran, M.D. (Respondent) of Inez, Kentucky, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 825(f), as being inconsistent with the public interest.

The Respondent filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Paul A. Tenney. After numerous

delays at the request of the Respondent, the hearing was scheduled to commence on September 26, 1995. However, prior to that date, the Government filed a Motion for Summary Disposition, noting that the Respondent's license to practice medicine had been revoked by the Kentucky State Board of Medical Licensure (Medical Board) by final order dated July 20, 1995, a copy of which was attached to the motion. The Respondent was afforded an opportunity to respond to the Government's motion, on or before August 16, 1995, but no response was filed. On August 29, 1995, Judge Tenney issued his Conclusions of Law and Recommended Ruling, in which he found that the Respondent lacked authorization to handle controlled substance in Kentucky, granted the Government's Motion for Summary Disposition, and recommended that the Respondent's application of a DEA Certificate of Registration be denied. Neither party filed exceptions to his decision, and on September 28, 1995, Judge Tenney transmitted the record of these proceedings and his opinion to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the decision of the Administrative Law Judge.

Specifically, the Deputy Administrator finds that by final order dated July 20, 1995, the Medical Board revoked the Respondent's license to practice medicine. From this fact, Judge Tenney inferred that since the Respondent was not authorized to practice medicine, he also was not authorized to handle controlled substances. The Deputy Administrator agrees with Judge Tenney's inference, and he also notes that the Respondent has not filed an exception to this portion of his decision.

The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 832(f), and 824(a)(3). The prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D. 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988). Therefore, because the Respondent lacks state authority to handle controlled

substances, he currently is not entitled to a DEA registration.

Judge Tenney also properly granted the Government's motion for summary disposition. Here, the parties did not dispute that the Respondent was unauthorized to handle controlled substances in Kentucky, the state in which he proposed to conduct his practice. Therefore, it is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See Dominick A. Ricci, M.D., 58 FR at 51,104 (finding it well settled that where there is no question of material fact involved, a plenary, adversarial administrative hearing was not required); see also Phillip E. Kirk, M.D., 48 FR 32,887 (1983), aff'd sub nom Kirk V. Mullen, 749 F.2d 297 (6th Cir. 1984); *Alfred Tennyson Smurthwaite, M.D.*, 43 FR 11,873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that the Respondent's application for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective April 22, 1996.

Dated: March 18, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96-6978 Filed 3-21-96; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Unemployment Compensation for Federal Employees Excepted Employee Program; Unemployment Insurance Program Letters Implementing the Unemployment Compensation for Federal Employees Excepted Employee Program

On January 6, 1996, Public Law 104-92 was enacted. Section 312 of Title III of the Act created the Unemployment Compensation for Federal Employees Excepted Employee Program (UCFE-EEP) effective January 2, 1996. Under the UCFE-EEP, Federal employees excepted from furlough and who are not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment